

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,
Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,
Defendants.

Case No. 14-cv-05180-EMC (KAW)

**ORDER SETTING PLAINTIFF'S
DEPOSITION FOR OCTOBER 26, 2016**

Re: Dkt. Nos. 135, 136, 137

On August 11, 2016, Defendants Digital Realty Trust and Ellen Jacobs filed a motion to compel Plaintiff Paul Somers's deposition. (Dkt. No. 121.) Because Defendants' motion was not in compliance with this Court's General Standing Order, the Court terminated Defendants' motion. (Dkt. No. 132.) The Court, however, found that Plaintiff had failed to comply with its July 8, 2016 Order requiring Plaintiff to make himself available for deposition within thirty days of the Order. (*Id.*) The Court thus ordered Plaintiff to attend his deposition by September 26, 2016, the date chosen by Defendants in their motion to compel Plaintiff's deposition. (*See* Dkt. No. 121 at 1.)

On September 22, 2016, Plaintiff filed a motion to extend the deadline for his deposition to October 26, 2016, as Defendants were no longer available to conduct the deposition on September 26, 2016. (Dkt. No. 135.) Defendants then filed their portion of a joint discovery letter, stating that they were not available for September 26, 2016, and had been attempting to schedule Plaintiff's deposition in October. (Dkt. No. 136.)


Based on the Court's review of the parties' filings, both parties agree to having Plaintiff's deposition on October 26, 2016. (*See* Dkt. No. 135 ¶ 13 ("Plaintiff has also agreed to a deposition on October 26, 2016"); Dkt. No. 136 at 3 (Defendants repeatedly requesting Plaintiff's availability

1 for a deposition on "October 11 or 26, 2016")). The Court therefore ORDERS Plaintiff's
2 deposition to take place on October 26, 2016.

3 In the future, the Court believes it would be more efficient for the parties to simply
4 stipulate and submit a proposed order, rather than requiring Court intervention.

5 IT IS SO ORDERED.

6 Dated: September 23, 2016

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KANDIS A. WESTMORE
8 United States Magistrate Judge
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